

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

LISA M. MEDEIROS,)
)
Plaintiff,)
) 1:10-cv-1358- SEB-DML
vs.)
)
WESTVILLE D.O.C.,)
)
Defendant.)

ORDER OF DISMISSAL

On October 22, 2010, Lisa M. Mideiros filed with the Clerk of this Court a Dismissal and Notice of Rights form issued by the U.S. Equal Employment Opportunity Commission (EEOC Form 161, also known as a “right-to-sue letter”). Based on that right-to-sue letter and the accompanying Notice of a Lawsuit and Request to Waive Service of a Summons form (A.O. Form 398), which identified “Westville D.O.C.” as the defendant, the Clerk’s Office opened this case on the Court’s docket and assigned it the above-referenced cause number. This case cannot proceed, however, because the right-to-sue letter and A.O. Form 398 are insufficient to commence a civil action.

Fed. R. Civ. P. 3 provides that “[a] civil action is commenced by filing a complaint with the court” and Fed. R. Civ. P. 8(a) provides that a complaint must contain “a short and plain statement of the claim showing that the pleader is entitled to relief.” Mideiros’s right-to-sue letter and A.O. Form 398 do not constitute a complaint because they do not contain *any statement at all* of the claim or claims that Mideiros wishes to pursue before this Court.

Although the filings of pro se litigants are generally viewed with some leniency, pro se

litigants must still satisfy the procedural requirements to commence a lawsuit, and a right-to-sue letter does not qualify as a complaint. Baldwin County Welcome Center v. Brown, 466 U.S. 147, 104 S.Ct. 1723, 18 L.Ed.2d 196 (1984).

Because no civil action was properly commenced, this case is DISMISSED WITHOUT PREJUDICE.

IT IS SO ORDERED.

Date: 05/16/2011

Sarah Evans Barker
SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

Copy to:

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